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MISSOULA, MT

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PATRICK E. DUFFY

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IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF MONTANA

MISSOULA DIVISION

DAVID M. LEACH and MARY E. LEACH,)	Cause No. CV 05-140-M-DWM
)	
Plaintiffs,)	
)	
vs.)	ORDER
)	
UNITED STATES OF AMERICA,)	
)	
Defendant.)	
_____)	

United States Magistrate Leif B. Erickson entered Findings and Recommendation in this matter on May 5, 2006. Plaintiffs did not file objections and is therefore not entitled to de novo review of the record. 28 U.S.C. § 636(b)(1). This Court will review the Findings and Recommendation for clear error.

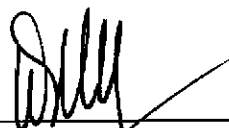
McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc., 656 F.2d 1309, 1313 (9th Cir. 1981). Clear error exists if the Court is left with a "definite and firm conviction that a mistake has been committed." United States v. Syrax, 235 F.3d 422, 427 (9th Cir. 2000).

It is Judge Erickson's recommendation that Defendant United States of America's Motion to Dismiss (dkt. #6) be Granted.

I find no clear error in Judge Erickson's Findings and

Recommendation (dkt #12) and I adopt them in full. Defendant United States of America's Motion to Dismiss (dkt. #6) is Granted.

DATED this 22nd day of August, 2006.



DONALD W. MOLLOY, CHIEF JUDGE
UNITED STATES DISTRICT COURT

